

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12644 of 2023

Applicant :- Saurabh Yadav

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Binod Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Sri Binod Kumar Tripathi, learned counsel for the applicant and learned A.G.A as well as perused the material available on record.
2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking bail in Case Crime No.6 of 2022, under Sections 427, 307, 504, 506 I.P.C., P.S.- Mirhachi, District- Etah.
3. The allegation made in the FIR against the applicant is that the applicant shouted and started firing upon the informant with intention to kill the informant.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is a no injury case. The applicant has no concern with the alleged incident. There is some dispute of land between the parties wherein the applicant has also got stay order from the court below in Original Suit No. 152 of 2018. Learned counsel for the applicant submitted that the applicant has criminal history of two cases, which has been explained in paragraph no.16 to the affidavit. Learned counsel for the applicant further submitted that applicant has apprehension of imminent arrest and in case, applicant is released on anticipatory bail, he will not misuse the liberty and would co-operate with the trial.
5. Learned A.G.A. has opposed the prayer made by learned counsel for the applicant and submitted that the applicant along with the other co-accused broke the wall on the ancestral land of the informant and when the informant protested, the applicant along with other co-accused

persons simultaneously fired upon the informant with illegal weapons with intention to kill the informant and the applicant has criminal history of two cases for the offences under Sections 302/34, 307/34, 323, 435, 504, 506 I.P.C., therefore, keeping in view of the seriousness of the allegations made against the applicant, the applicant is not entitled to grant of anticipatory bail.

6. Without expressing any opinion on the merits of the case and considering the allegation levelled against the applicant and the nature and gravity of the accusation, I find no ground for grant of anticipatory bail to the applicant.

7. Accordingly, the present anticipatory bail application is **dismissed**.

Order Date :- 28.11.2023

Krishna*